

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:20-CR-111-
	§	ALM-AGD-1
ARMANDO FABIAN MATA	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Armondo Fabian Mata's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on September 9, 2024, to determine whether Defendant violated his supervised release. Defendant was represented by Michael Pannitto of the Federal Public Defender's Office. The Government was represented by Chris Rapp.

Defendant was sentenced on August 23, 2021, before The Honorable Amos L. Mazzant, III of the Eastern District of Texas after pleading guilty to the offense of Felon In Possession Of A Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 15 and a criminal history category of VI, was 41 to 51 months. Defendant was subsequently sentenced to 51 months imprisonment followed by a three-year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, substance abuse treatment and testing, mental health treatment, acquire GED, and a \$100 special assessment. On January 19, 2024, Defendant completed his period of imprisonment and began service of the supervision term.

On August 6, 2024, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision. (Dkt. #42, Sealed). The Petition asserts that Defendant violated two conditions of supervision, as follows: (1) (mandatory) Defendant must refrain from any unlawful use of a controlled substance; and (2) (special) Defendant must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise Defendant's participation in the program. Defendant must pay any cost associated with treatment and testing. (Dkt. #42 at pp. 1–2, Sealed).

The Petition alleges that Defendant committed the following acts: (1) On June 5, 2024, Defendant reported to the U.S. Probation Office and submitted a positive urine specimen for methamphetamine. He verbally denied using any illegal substances, but the positive urine specimen was confirmed by the national lab. On June 13, 2024, Defendant reported to McCary Counseling in Denton, Texas, and submitted a positive urine specimen for methamphetamine. The positive urine specimen was confirmed by the national lab. On July 23, 2024, Defendant reported to the U.S. Probation Office and submitted a positive urine specimen for methamphetamine. He verbally denied using any substances, but the positive urine specimen was confirmed by the national lab; and (2) As part of the random drug testing program, Defendant failed to submit a urine specimen at McCary Counseling, Denton, Texas on February 26, April 18, May 30, June 21, June 29, July 19, and July 27, 2024. (Dkt. #42 at pp. 1–2, Sealed).

Prior to the Government putting on its case at the final revocation hearing, the Government moved to dismiss allegation (2). Defendant entered a plea of true to allegation (1) of the Petition.

Having considered the Petition and the plea of true to allegation (1), the court finds that Defendant did violate his conditions of supervised release.

RECOMMENDATION

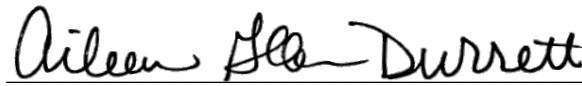
Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of twenty-one (21) months with no supervised release to follow.

The court further recommends that allegation (2) be dismissed.

The court finally recommends that Defendant be housed in a Bureau of Prisons facility in Seagoville, Texas, if appropriate, and receive drug treatment while incarcerated.

IT IS SO ORDERED.

SIGNED this 7th day of October, 2024.


AILEEN GOLDMAN DURRETT
UNITED STATES MAGISTRATE JUDGE